

REMARKS

Summary of Office Action

Claims 71-89 are pending. New claims 96-106 have been added and are now pending as well. Claims 90-95 have been withdrawn.

Claims 71, 73-76, 78-82, 84-86, and 88-89 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Petler United States Patent No. 6,081,519 (hereinafter, "Petler").

Claims 72, 77, 83, and 87 have been rejected under 35 U.S.C. § 103(a) as being obvious from Petler.

Claims 71-89 have been rejected under 35 U.S.C. § 103(a) as being obvious from Bushmitch et al. U.S. Patent No. 6,950,399 (hereinafter, "Bushmitch").

Summary of Reply to Office Action

Applicants have amended independent claims 71 and 82 and have added new claims 96-106. The rejections under 35 U.S.C. §§ 102 and 103 are respectfully traversed.

Reply to Rejections under 35 U.S.C. § 102

Applicants' invention relates to a home network. The home network includes a coax backbone and a plurality of network modules. Each of the network modules are connected to the coax backbone. The home network also includes a network master module connected to the coax backbone. The master module receives requests from the network modules over the coax backbone. The requests are for bandwidth to transmit bursts to other network modules. The master module establishes an order of transmission opportunities for the network modules to follow when transmitting bursts to other network modules.

The master module transmits an allocation burst over the coax backbone that allocates a transmission opportunity to each of the modules to transmit bursts. The allocation burst may be based on the aforementioned transmission order.

Each of the network modules is configured to communicate with each other network module via the coax backbone.

Petler is directed to a system wherein signals are sent from a first device in a home to a Fiber-to-the-Curb (FTTC) terminal which is outside the home. From the FTTC terminal, the signals are routed back to the home where they are received by a second device in the same home. See, Petler, Abstract.

Each of applicants' independent claims, as amended, provides either a method or a system including network modules that communicate with other network modules via the coax backbone. Thus, the network modules as claimed can communicate directly with one another. Specifically, claim 71, as amended, requires establishing an order of transmission opportunities for the network modules to follow when transmitting bursts directly to other network modules via the coax backbone. Claim 82, as amended, states that each of the network modules is configured to communicate with other network modules via the coax backbone. Finally, new claim 96 states that each of that network modules is connected to a coax backbone and each of the network modules communicates over the coax backbone directly with the other network modules.

Petler, on the other hand, requires that any signals originating in the home first exit the home to the FTTC terminal and can then be routed back to the home to a second device. Accordingly, Petler does not show or suggest systems or methods that include network modules that communicate directly with one another.

Accordingly, the rejections under 35 U.S.C. § 102 are respectfully traversed.

Reply to Rejections of claims 71-89 under 35 U.S.C. § 103 as Obvious from Bushmitch and claims 72, 77, 83 and 87 as Obvious in view of Petler

Bushmitch is directed to a system that requires that all transmitted data packets pass through a system controller, stating, in pertinent part, "[t]he network includes an operably linked system controller for receiving upstream channel packets and originating downstream channel packets." See, Bushmitch, Abstract. The system

controller is defined at column 3, lines 35-36, as a cable modem termination system (CMTS). The CMTS is located at the headend. See Bushmitch, column 1, lines 17-18.

Bushmitch requires that all upstream channel packets are directed to the system controller which is resident at the cable headend, distant from the home.

Thereafter, the system controller can originate downstream packets back to a location within the home. Accordingly, Bushmitch, like Petler, does not show or suggest the ability of network modules within the home to communicate directly with one another.

With respect to the rejections under 35 U.S.C. § 103 of claims 71-89 as obvious from Bushmitch, applicants have respectfully amended independent claims 71 and 82, and added a new independent claim, 96, with a limitation that mirrors the amendments to the previously presented independent claims 71 and 82, as stated above with respect to the rejections under 35 U.S.C. § 102. Thus, the independent claims, as amended, are patentable over Bushmitch. Accordingly, all the dependent claims which depend from independent claims 71, 82 and 96 are allowable as well.

Applicants note that the Examiner has taken official notice that claims 72, 77, 83, and 87 are obvious in view of each of Petler and Bushmitch.

Specifically, with respect to claims 72 and 83, the Examiner has taken official notice that "a method and system for assigning at least one of time slot to the cable modem based on the amount data ready for transmission in a cycle is well known and expected in the art at the time the invention was made." Applicants assert that the Official Notice is improper. The MPEP states that "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." MPEP 2144.03, citing *In re Zurko*, 258 F.3d 1379, 1385. Applicants demand that the Examiner produce such authority for such a statement and that such "assigning at least one of time slot to the cable modem" cited by the Examiner is related to the field of assigning time slots for signals being transmitted in a coax network in a home. Applicants assert that because the Official Notice is inappropriate, the rejection of claims 72 and 83 is

improper and that, for at least this reason, the rejection under 35 U.S.C. § 103 of claims 72 and 83 should be withdrawn.

With respect to claims 77 and 87, the Examiner has taken official notice that "a method and system for transmitting a null packet when it has no data to transmit is well-known and expected in the art at the time of invention was made." Applicants assert that the Official Notice is improper, based on MPEP 2144.03, as cited above. Applicants demand that the Examiner produce such authority for such a statement and that such transmitting is related to the field of transmitting signals via the coax network in a home. Applicants assert that because the Official Notice is inappropriate, the rejection of claims 77 and 87 is improper and that, for at least this reason, the rejections of claims 77 and 87 under 35 U.S.C. § 103 should be withdrawn.

Conclusion

In conclusion, each of the independent claims are not shown or suggested by the cited prior art. Because each of the independent claims are not shown or suggested by the prior art, each of the dependent claims, which depend directly therefrom, are allowable as well. Applicants respectfully request the allowance of claims 71-89 and 96-106. Applicants respectfully anticipate a prompt and positive response.

Respectfully submitted,



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